

2 *Bill No*  
*8-80-04-18* SPECIAL ORDINANCE NO. S- *47-80*

3 ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO  
4 ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE  
5 REVENUE BONDS, SERIES 1980 (H.A.M., INC. PROJECT)"  
6 AND APPROVING OTHER ACTIONS IN RESPECT THERETO.

7 WHEREAS, the Fort Wayne Economic Development Commission  
8 has rendered its Project Report for the H.A.M., Inc Project,  
9 regarding the financing of proposed economic development facilities  
10 for H.A.M., Inc. and the Fort Wayne Plan Commission has commented  
11 favorably thereon; and

12 WHEREAS, the Fort Wayne Economic Development Commission  
13 conducted a public hearing on December 20, 1979 and also adopted  
14 Resolutions on December 20, 1979 and April 8, 1980, which  
15 Resolutions have been transmitted hereto, finding that the  
16 financing of certain economic development facilities of H.A.M., Inc.  
17 complies with the purposes and provisions of I.C. 18-6-4.5 and  
18 that such financing will be of benefit to the health and welfare  
19 of the City of Fort Wayne and its citizens; and

20 WHEREAS, the Fort Wayne Economic Development Commission has  
21 heretofore approved and recommended the adoption of this form of  
22 ordinance by this Common Council and has approved the forms and  
23 has transmitted for approval by the Common Council the Loan Agree-  
24 ment and Mortgage and Indenture of Trust; now therefore,

25 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
26 WAYNE, INDIANA THAT:

27 Section 1. It is hereby found that the financing of the  
28 economic development facilities referred to in the Loan Agreement  
29 approved by the Fort Wayne Economic Development Commission and  
30 presented to this Common Council, the issuance and sale of revenue  
31 bonds, the loan of the proceeds of the revenue bonds to H.A.M.,  
32 Inc. for the acquisition and construction of such facilities and  
33 equipping thereof, the payment of the revenue bonds by H.A.M.,  
34 Inc. under the Loan Agreement, and the securing of said bonds by  
35 the mortgaging of such facilities to the Trustee under the  
36 Mortgage and Indenture of Trust complies with the purposes and  
37 provisions of  
38  
39  
40

I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated hereby by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980(H.A.M., Inc.) Project) in the total principal amount of Three Hundred Twenty-Five Thousand Dollars (\$325,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and the Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by HAM, Inc. under the Loan Agreement or as otherwise provided in the above-described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 9% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk and/or Controller are authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and

1 ..  
2  
3 Indenture of Trust and delivered by the Trustee to the purchasers  
4 thereof.

5 Section 6. The provisions of this Ordinance and the Mortgage  
6 and Indenture of Trust securing the bonds shall constitute a  
7 contract binding between the City of Fort Wayne and the holder of  
8 Economic Development First Mortgage Revenue Bonds, Series 1980,  
9 (H.A.M., Inc. Project), and after the issuance of said bonds, this  
10 Ordinance shall not be repealed or amended in any respect which  
11 would adversely affect the rights of such holders so long as any  
12 of said bonds or the interest thereon remains unpaid.

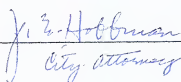
13 Section 7. This Ordinance shall be in full force and effect  
14 from and after its passage and signing by the Mayor.

15 Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1980

16  
17 CITY OF FORT WAYNE

18  
19   
20 \_\_\_\_\_  
Councilperson

21 Approved as to form and  
22 legality

23  
24   
25 \_\_\_\_\_  
City Attorney

Read the first time in full and on motion by Stier,  
seconded by East, and duly adopted, read the second time  
by title and referred to the Committee Finance (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on 4/22/80, the 22 day of April, 19 80, at 7 o'clock P.M., E.S.T.

DATE: 4/22/80

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Stier,  
seconded by East, and duly adopted, placed on its  
passage. PASSED (~~lost~~) by the following vote:

|                    | <u>AYES</u>   | <u>NAYS</u>   | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|---------------|---------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>8</u>      | <u>      </u> | <u>      </u>    | <u>1</u>      | <u>      </u>  |
| <u>BURNS</u>       | <u>X</u>      | <u>      </u> | <u>      </u>    | <u>      </u> | <u>      </u>  |
| <u>EISBART</u>     | <u>X</u>      | <u>      </u> | <u>      </u>    | <u>      </u> | <u>      </u>  |
| <u>GIAQUINTA</u>   | <u>X</u>      | <u>      </u> | <u>      </u>    | <u>      </u> | <u>      </u>  |
| <u>NUCKOLS</u>     | <u>X</u>      | <u>      </u> | <u>      </u>    | <u>      </u> | <u>      </u>  |
| <u>SCHMIDT, D.</u> | <u>X</u>      | <u>      </u> | <u>      </u>    | <u>      </u> | <u>      </u>  |
| <u>SCHMIDT, V.</u> | <u>X</u>      | <u>      </u> | <u>      </u>    | <u>      </u> | <u>      </u>  |
| <u>SCHOMBURG</u>   | <u>X</u>      | <u>      </u> | <u>      </u>    | <u>      </u> | <u>      </u>  |
| <u>STIER</u>       | <u>X</u>      | <u>      </u> | <u>      </u>    | <u>      </u> | <u>      </u>  |
| <u>TALARICO</u>    | <u>      </u> | <u>      </u> | <u>      </u>    | <u>X</u>      | <u>      </u>  |

DATE: 5-13-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~)  
(~~APPROPRIATION~~) ORDINANCE (~~RESOLUTION~~) No. S-47-80  
on the 13th day of May, 19 80.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Vivian J. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 14th day of May, 19 80, at the hour of  
11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 16th day of May  
19 80, at the hour of 4 o'clock P.M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

BILL NO. S-80-04-18

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN  
ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC  
DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1980 (H.A.M., INC.  
PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO. PASS.

JAMES S. STIER, CHAIRMAN

MARK GLAQUINTA, VICE CHAIRMAN

BEN EISBART

PAUL M. BURNS

DONALD J. SCHMIDT

*Int*  
*Mark C. GlaQuinta*  
*Ben Eisbart*  
*Paul M. Burns*  
*D Schmidt*

*5-13-80*

CONCURRED IN

DATE 5-13-80 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

April 9, 1980

Mrs. Vivian Schmidt  
City Councilwoman  
City-County Building  
Fort Wayne, Indiana 46802

Re: HAM, Inc. Project, Economic Development  
Commission Revenue Bonds

Dear Mrs. Schmidt:

On April 8, 1980, the Economic Development Commission passed a consent resolution for HAM, Inc. approving the financing documents for a \$325,000 issue.

I am enclosing for the Common Council's consideration, a proposed Bond Ordinance and a copy of the consent resolution passed by the EDC.

If the Common Council has any questions concerning this issue, please feel free to contact me at 489-6710.

Respectfully submitted,

Wayne P. Simerman, President  
Fort Wayne Economic Development  
Commission

lpc

Enclosures



RESOLUTION

FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
FORT WAYNE, INDIANA

BE IT RESOLVED BY THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION THAT:

Section 1. It finds that the proposed financing of economic development facilities referred to in the form of the Financing Agreement (as defined in the Minutes) presented to this meeting for HAM, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement and Mortgage and Indenture of Trust, and a proposed form of Ordinance for the Common Council presented to this meeting are hereby approved.

Section 3. The proposed economic development facilities will not have an adverse competitive effect on any similar facilities already under construction or in operation in the City of Fort Wayne, Indiana.

Section 4. The Secretary shall initial and then insert a copy of the forms of documents approved by this Resolution in the Minute Book of this Commission.

Section 5. A copy of this Resolution and the other form of documents approved by this Resolution and the proposed form of Ordinance shall be presented in their final form by Counsel for

the Economic Development Commission or by any member of this  
Commission to the Clerk for presentation to the Common Council.

Adopted this 8<sup>th</sup> day of April, 1980.

FORT WAYNE ECONOMIC  
DEVELOPMENT COMMISSION

By:

Wayne P. Simerman, President

Sidney Sheray  
Sidney Sheray, Secretary



DIGEST SHEET

TITLE OF ORDINANCE: Special Ordinance

*L-80.04-18*

DEPARTMENT REQUESTING ORDINANCE: Economic Development Commission

SYNOPSIS OF ORDINANCE: An Ordinance authorizing the City of Fort  
Wayne to issue its "Economic Development First Mortgage Revenue  
Bonds, Series 1980, (H.A.M., Inc. Project)" and approving other  
actions in respect thereto.

EFFECT OF PASSAGE: Authorize the issue and sale of Economic Develop-  
ment bonds for the H.A.M., Inc. project.

EFFECT OF NON-PASSAGE: H.A.M., Inc. Economic Development project  
would not get underway.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): \$325,000.00

ASSIGNED TO COMMITTEE: Finance